



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

January 15, 2008

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT
GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter Consultation – Missouri River (North Dakota)
Task Force

The Office of the Secretary of the Army has requested renewal of the charter for the Missouri River (North Dakota) Task Force (Attached).

The Department of Defense, pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR, § 102-3.60, has carefully reviewed the Department of the Army's request, and has determined that renewing the charter for this non-discretionary federal advisory committee is in the best interest of the Department of Defense and the American public.

The Department of Defense has further determined that this non-discretionary advisory committee is essential to DoD's mission, and that no other DoD or Executive Branch advisory committee can meet these needs. The Task Force, through its membership, continues to provide the Secretary of the Army with views and information specific to the Missouri River Basin in North Dakota, and the control and removal of sediment from the Missouri River. Failure to renew the Task Force's charter would impede DoD's ability to comply with section 701 of Public Law 106-541.

The composition of the Task Force is stipulated in the Missouri River Protection and Improvement Act of 2000 (hereafter referred to as the Act); it is composed of representatives of four federal agencies and members of the North Dakota Missouri River Trust. The sixteen members of the Trust are appointed by the Secretary of the Army and consist of a mix of representatives from state and local governments, tribes, and private interests, as stipulated in the Act.

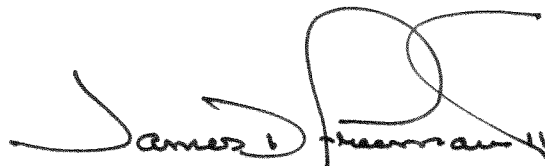
Individuals, appointed by the Secretary of the Army, who are not full-time employees shall serve as Representative Members, and with the exception of travel and per diem for official travel, they serve without compensation.

The Task Force is authorized to establish subcommittees, and the Task Force, to include any subcommittees, will operate under the provisions of the Federal Advisory

Committee Act of 1972, the Sunshine in the Government Act of 1976 (5 U.S.C. § 552b, as amended), and 41 CFR, Parts 102-3 through 102-3.185.

Prior to submitting a Federal Register notice and subsequently filing the Task Force's charter with the Library of Congress and the appropriate congressional committees, the Department of Defense respectfully requests that the Committee Management Secretariat review and approve the charter (attached). The charter has been reviewed and approved by the Office of the General Counsel for the Department of Defense.

If you should have any questions about this charter please contact me at 703-601-2554, extension 128.

A handwritten signature in black ink, appearing to read "James D. Freeman II", with a large, stylized flourish extending from the end of the name.

James D. Freeman II
Deputy Committee Management
Officer for the Department of Defense

2 Attachments
As stated

TAB 1



DEPARTMENT OF THE ARMY
ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF THE ARMY
105 ARMY PENTAGON
WASHINGTON DC 20310-0105

MEMORANDUM FOR DIRECTOR, ADMINISTRATION AND MANAGEMENT, OFFICE
OF THE SECRETARY OF DEFENSE

SUBJECT: Renewal of the Missouri River (North Dakota) Task Force Charter

This memorandum requests renewal of the Missouri River (North Dakota) (MRND) Task Force Charter, which expires on 8 February 2008. The MRND Task Force is a Department of Defense Federal Advisory Committee under the purview of the Secretary of the Army.

As required by DoDI 5105.04, Enclosure 3, paragraph E3.4.6.2.1, justification for recommending renewal is included with the Charter (enclosed). Review of the MRND Task Force Charter resulted in a determination that it remains accurate, and thus minimal changes were necessary.

My point of contact for this action is Marla-Jo Bonuccelli. She may be reached at 703-602-6268 or marla-jo.bonuccelli@hqda.army.mil.

Encl


JOYCE E. MORROW



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NORTHWESTERN DIVISION
PO BOX 2870
PORTLAND OR 97208-2870

CENWD-PDD (1105)


9 November 2007

MEMORANDUM FOR CDR USACE (CECW-NWD RIT/Mr. Chuck Moeslein), 441 G STREET, NW WASH DC 20314-1000

SUBJECT: Title VII – Missouri River (North Dakota) Task Force Charter Renewal

1. Reference memorandum, CENWO-PM-C, 1 November 2007, subject as above.
2. The purpose of this transmittal memorandum is to forward for approval the charter renewal for the Missouri River (North Dakota) Task Force. The charter was last renewed 9 February 2006 and will expire if not renewed on 8 February 2008.
3. Enclosure 1 is a copy of the previous charter and charter renewal approval. Enclosure 2 is the Justification for the Renewal of the Charter for the Missouri River (North Dakota) Task Force.
4. Please contact Mr Jim Fredericks, at (503) 808-3856, if you have any further questions regarding this matter.

Encl


SIX WITT ANDERSON
Chief, Planning / Environmental
Resources / Fish Policy and Support
Division

CF:
CENWO-PM-P w/encl



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
106 SOUTH 15TH STREET
OMAHA NE 68102-1618

01 NOV 2007

CENWO-PM-C

MEMORANDUM FOR NORTHWESTERN DIVISION (CENWD-PDD/FREDERICKS)

SUBJECT: Title VII - Missouri River (North Dakota) Task Force Charter Renewal

1. The Federal Advisory Committee Act (5 USC Appendix, Section 14) and the Department of Defense Instruction 5101.04, paragraph E3.4.6, dated August 6, 2007 requires that committee charters be renewed every two years, or when new requirements warrant revision. Request the Charter for the Missouri River (North Dakota) Task Force be renewed for another two years or until the requirements of Public Law 106-541 are completed. Encl 1 is a copy of the latest charter renewal and Encl 2 is the Justification for the Renewal of the Charter for the Missouri River (North Dakota) Task Force. Please review and forward to Headquarters.

2. Point of contact for this memorandum is Mr. William Mulligan, 402-221-7184.

FOR THE COMMANDER:

2 Encls
as


ROBERT J. MICHAELS
Deputy District Engineer

CHARTER
MISSOURI RIVER (NORTH DAKOTA) TASK FORCE

- A. Official Designation: The Committee shall be known as the Missouri River (North Dakota) Task Force (hereafter referred to as the Task Force).
- B. Objectives and Scope of Activities: The Task Force, under the provisions of Section 705(a) of Title VII, the "Missouri River Protection and Improvement Act of 2000", Public Law 106-541, and the Federal Advisory Committee Act of 1972, as amended, shall advise the Secretary of the Army on plans and projects to reduce siltation of the Missouri River in the State of North Dakota and to meet the objectives of the Pick-Sloan Program.

Specifically, the Task Force shall –

- 1) Prepare and approve, by a majority of the members, a plan for the use of the funds made available under Public Law 106-541, to promote conservation practices in the Missouri River watershed, control and remove the sediment from the Missouri River, protect recreation on the Missouri River from sedimentation, and protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion;
- 2) Develop and recommend to the Secretary of the Army for implementation critical restoration projects meeting the goals of the plan; and
- 3) Determine if these projects primarily benefit the Federal Government.

The Secretary of the Army or designee may act upon the Task Force's advice and recommendations.

- C. Task Force Membership: As directed by Public Law 106-541, the Task Force shall be composed of not more than twenty members. Specifically, the Task Force Membership shall be composed of –

- 1) Secretary of the Army or designee, who shall serve as the Chairperson;
- 2) Secretary of Agriculture or designee;
- 3) Secretary of Energy or designee;
- 4) Secretary of the Interior or designee; and
- 5) The Trust – The trust is composed of 16 members to be appointed by the Secretary, including 12 members recommended by the Governor of North Dakota and one member recommended by each of the four Indian Tribes in the State of North Dakota.

Task Force Members recommended by the Governor of North Dakota shall include representatives of the North Dakota Department of Health, the North Dakota Department of Parks and Recreation, the North Dakota Department of Game and Fish, the North Dakota State Water Commission, the North Dakota Indian Affairs Commission, agricultural groups, environmental or conservations groups, the hydroelectric power industry, recreation user groups, local governments, and other appropriate interests. These individuals shall be appointed by the Secretary of the Army or designee as Representative Members to the Task Force.

All Task Force Members shall be appointed for two-year terms and shall serve no more than two consecutive terms, or four years total on the Task Force. In addition, all Task Force Members shall, with the exception of travel and per diem for official travel, serve without compensation.

- D. Task Force Meetings: The Task Force shall meet at the call of the Designated Federal Officer, in consultation with the Chairperson, and the estimated number of Task Force meetings is two per year. The Task Force shall be authorized to establish subcommittees, as necessary, to fulfill its mission, and these subcommittees shall operate under the provisions of the Federal Advisory Committee Act of 1972, as amended.
- E. Duration of the Task Force: The need for this advisory function is on a continuing basis; however, it is subject to renewal every two years.
- F. Agency Support: The Department of Defense, through the Secretary of the Army, the Assistant Secretary of the Army for Civil Works, and the U.S. Army Corps of Engineers, shall provide support as deemed necessary for the performance of the Task Force's functions, and shall ensure compliance with the requirements of 5 U.S.C. Appendix 2, Section 6.
- G. Termination Date: The Task Force shall terminate upon rescission of Section 705(a) of Title VII, the "Missouri River Protection and Improvement Act of 2000", Public Law 106-541.
- H. Operating Costs: It is estimated that the operating costs for this Task Force, to include travel costs and contract support, is \$250,000.00. The estimated personnel costs to the Department of Defense is 1.0 full-time equivalent (FTE).
- I. Charter Filed:

JUSTIFICATION FOR RENEWAL OF THE CHARTER FOR THE MISSOURI RIVER (NORTH DAKOTA) TASK FORCE

Recommendation. Renewal of the charter of the Missouri River (North Dakota) Task Force, as required to comply with the Missouri River Protection and Improvement Act of 2000 (the Act), Title VII of the Water Resources Development Act of 2000 (Public Law 206-541). The Office of the Chief Counsel of the Corps of Engineers found that the Task Force meets the definition of a non-discretionary Federal Advisory Committee in accordance with 41 C.F.R. Section 102-3.25.

Membership. The Act establishes the Task Force and stipulates it be composed of representatives of four Federal agencies (Departments of Army, Interior, Agriculture, and Energy) and the members of the North Dakota Missouri River Trust. The 16 members of the Trust are appointed by the Secretary of the Army and consist of a mix of representatives from state and local governments, tribes, and private interests, as stipulated in the Act. The Governor of North Dakota recommended 12 members representing five state offices and five named interest groups. Additionally, each of the four Indian Tribes in South Dakota are represented by a member of the Task Force. Governor Hoeven and the four Tribal Chairman have confirmed that existing members should continue their membership on the task force.

Purpose. As required by Section 705 of the Act, the Task Force shall meet at least twice each year to prepare and approve a plan for the use of funds made available under this title to develop and recommend critical restoration projects as defined in the Act. The Task Force reviews projects to meet the goals of the plan and comply with all mandates of Section 705 of the Act. The Task Force also determines which proposed projects primarily benefit the Federal Government. The Secretary in coordination with the Task Force will identify the projects to implement. Funding is authorized through Fiscal Year 2008.

Committee Accomplishments. The committee has met twice during the last fiscal year. A cost share sponsor has been established (Missouri River Joint Water Board), a Project Cooperative Agreement developed and executed, and a scope of work and acquisition plan developed to award a contract for completing the required assessment. The Committee is scheduled to participate in the review of contract deliverables and approval of the final project scheduled to be completed by October of 2008.

Impact of Discontinuing the Committee. If the Committee was discontinued, the Department of Defense could not execute Public Law 106-541, Section 70 I. The legislation requires the committee/Task Force to plan, review, and recommend projects to the Secretary for implementation throughout the life of the authority on an annual basis.

Why Advice Cannot Be Obtained From Other Sources. There is no other existing organization meeting the requirements of the Act. The Task Force provides the Secretary of the Army with views and information specific to the Missouri River basin in North Dakota. This is important as it relates to the project purposes, to include control and removal of sediment from the Missouri River, protecting recreation on the Missouri River from sedimentation, and protecting Indian and non-Indian historical and cultural sites along the Missouri River from erosion.

TAB 2

CHARTER
MISSOURI RIVER (NORTH DAKOTA) TASK FORCE

- A. Official Designation: The Committee shall be known as the Missouri River (North Dakota) Task Force (hereafter referred to as the Task Force).
- B. Objectives and Scope of Activities: The Task Force, under the provisions of Section 705(a) of Title VII, the Missouri River Protection and Improvement Act of 2000, Public Law 106-541, and the Federal Advisory Committee Act of 1972, (5 U.S.C., Appendix, as amended), shall advise the Secretary of the Army on plans and projects to reduce siltation of the Missouri River in the State of North Dakota and to meet the objectives of the Pick-Sloan Program.

Specifically, the Task Force shall –

1. Prepare and approve, by a majority of the members, a plan for the use of the funds made available under Public Law 106-541, to promote conservation practices in the Missouri River watershed, control and remove the sediment from the Missouri River, protect recreation on the Missouri River from sedimentation, and protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion;
2. Develop and recommend to the Secretary of the Army for implementation critical restoration projects meeting the goals of the plan; and
3. Determine if these projects primarily benefit the Federal Government.

The Secretary of the Army or designee may act upon the Task Force's advice and recommendations.

- C. Task Force Membership: As directed by Public Law 106-541, the Task Force shall be composed of not more than twenty members. Specifically, the Task Force Membership shall be composed of –
1. Secretary of the Army or designee, who shall serve as the Chairperson;
 2. Secretary of Agriculture or designee;
 3. Secretary of Energy or designee;
 4. Secretary of the Interior or designee; and
 5. The Trust – The trust is composed of 16 members to be appointed by the Secretary of the Army, including 12 members recommended by the Governor of North Dakota and one member recommended by each of the four Indian Tribes in the State of North Dakota.

Task Force Members recommended by the Governor of North Dakota shall include representatives of the North Dakota Department of Health, the North Dakota Department of Parks and Recreation, the North Dakota Department of Game and Fish, the North Dakota State Water Commission, the North Dakota Indian Affairs Commission, agricultural groups, environmental or conservations groups, the

hydroelectric power industry, recreation user groups, local governments, and other appropriate interests. These individuals shall be appointed by the Secretary of the Army or designee as Representative Members to the Task Force.

All Task Force Members shall be appointed for a two-year terms and shall serve no more than four years total on the Task Force. In addition, all Task Force Members shall, with the exception of travel and per diem for official travel, serve without compensation.

- D. Task Force Meetings: The Task Force shall meet at the call of the Designated Federal Officer, in consultation with the Chairperson, and the estimated number of Task Force meetings is two per year.

The Designated Federal Officer shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures. The Designated Federal Officer and/or Alternate Designated Federal Officer shall attend all Board and subcommittee meetings.

The Task Force shall be authorized to establish subcommittees, as necessary and consistent with its mission, and these subcommittees or working groups shall operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended), and other appropriate Federal regulations.

Such subcommittees or workgroups shall not work independently of the chartered Task Force, and shall report all their recommendations and advice to the Task Force for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Task Force nor can they report directly to the Department of Defense or any Federal officers or employees who are not Task Force Members.

- E. Duration of the Task Force: The need for this advisory function is on a continuing basis; however, it is subject to renewal every two years.
- F. Agency Support: The Department of Defense, through the Secretary of the Army, the Assistant Secretary of the Army for Civil Works, and the U.S. Army Corps of Engineers, shall provide support as deemed necessary for the performance of the Task Force's functions, and shall ensure compliance with the requirements of 5 U.S.C., Appendix, as amended.
- G. Termination Date: The Task Force shall terminate upon recession Section 705(a) of Title VII, the Missouri River Protection and Improvement Act of 2000, Public Law 106-541.

- H. Operating Costs: It is estimated that the operating costs, to include travel costs and contract support, for this Task Force is \$250,000.00. The estimated personnel costs to the Department of Defense are 1.0 full-time equivalent (FTE).
- I. Recordkeeping: The records of the Task Force and its subcommittees shall be handled according to section 2, General Records Schedule 26 and appropriate DoD policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).
- J. Charter Filed: